



RODERICK L. BREMBY  
Commissioner

**STATE OF CONNECTICUT**  
**DEPARTMENT OF SOCIAL SERVICES**  
**OFFICE OF THE COMMISSIONER**

TELEPHONE  
(860) 424-5053

TDD/TTY  
1-800-842-4524

FAX  
(860) 424-5057

EMAIL  
[commis.dss@ct.gov](mailto:commis.dss@ct.gov)

December 27, 2012

Senator Andrew W. Roraback, Co-Chair  
Representative Paul Davis, Co-Chair  
Legislative Regulation Review Committee  
State Capitol – Room 011  
Hartford, CT 06106

Re: **Resubmission of LRRC Regulation # 2012-042 – Physician Assistants  
(DSS Regulation # 11-09)**

Dear Senator Roraback and Representative Davis:

Pursuant to section 4-170(b) of the Connecticut General Statutes, I resubmit for your approval a revised version of a proposed regulation (LRRC # 2012-042) to amend sections 17b-262-337 to 17b-262-349, inclusive, of the Regulations of Connecticut State Agencies to allow physician assistants to enroll individually in Medicaid. The proposed regulation also makes technical and stylistic changes for clarity and consistency.

Notice of the proposed regulation was published in the Connecticut Law Journal on January 17, 2012. A public hearing was held on March 8, 2012. On August 6, 2012, the Office of the Attorney General approved the initial version of the proposed regulation as legally sufficient. On August 15, 2012, the Department submitted this regulation to the LRRC.

On October 23, 2012, based upon the recommendations in the report of the Legislative Commissioners' Office ("LCO"), which is attached, LRRC rejected this regulation without prejudice. After revising the regulation to correct LCO's substantive concerns and technical corrections, the Department resubmitted this regulation to the Office of the Attorney General, which approved the revised regulation as legally sufficient on November 28, 2012. A copy of the revised version of the proposed regulation has also been submitted to the Office of Fiscal Analysis.

If you or your staff require additional information or clarification concerning this proposed regulation, please contact Barbara Fletcher at (860) 424-5136 with policy questions or Joel Norwood at (860) 424-5124 with legal or procedural questions.

The Department made the following changes in this regulation, listed by paragraph:

Sec. 17b-262-337: Made revisions specified in **Technical Correction # 1**.

Sec. 17b-262-338: Made revisions specified in **Technical Correction # 2**.

Sec. 17b-262-338(3): Under the definition beginning with the term “advanced practice registered nurse,” removed the additional defined terms of “APRN” and “nurse practitioner” because the revised regulation only uses the term “advanced practice registered nurse.” Accordingly, **Technical Correction # 3** is now inapplicable because there are no longer any unused terms in that definition. Only that term is used because it is used, although not formally defined, in the applicable licensing statute (Conn. Gen. Stat. § 20-94a).

Sec. 17b-262-338(4): Made revisions specified in **Technical Correction # 4**. In this paragraph, which is the definition of “allied health professional,” the Department resolved **Substantive Concern # 1** by using only defined terms for each listed category of allied health professional.

Additionally, in order to further clarify this definition, the Department added opticians and optometrists to the list of categories of allied health professionals, which makes the list more comprehensive. Further clarifying the types of professionals covered by this definition (even if they are not specifically named), the Department added the language “or such other category of health care professional that the department permits to enroll individually as a Medicaid provider.” This language clarifies the intent of the existing regulatory language, which merely implied that unlisted categories of professionals could be included, but did not specify the basis for including other categories of professionals. Finally, the Department added language to require allied health professionals to comply with applicable requirements of 42 CFR 440, which set forth federal requirements for various categories of health professionals. This language helps the Department and providers better comply with such requirements.

Sec. 17b-262-338(5), (27), (28), (29), (30), (35), (37), (38), (39), (43), (49), (51) and (52): Added definitions for various categories of allied health professionals in order to use only defined terms for categories of health professionals in the definition of “allied health professional,” described above under 17b-262-338(4), which are among the changes made to resolve **Substantive Concern # 1**.

Sec. 17b-262-338(23) (formerly 22): Made revisions specified in **Technical Correction # 5** by removing the term “International Classification of Diseases” and instead only using the abbreviation “ICD,” which is used in sections 17b-262-341(9) and 17b-262-344(a)(3)(A), (B) and (C). For clarity, the full term “International Classification of Diseases” was added to the text of the definition because it was removed as a defined term in accordance with Technical Correction # 5.

Sec. 17b-262-338(32) (formerly 27): Made revisions specified in **Technical Correction # 6**.



Sec. 17b-262-338(34) (formerly 29): Made revisions specified in **Technical Correction # 7**.

Sec. 17b-262-338(40) (formerly 31): Made revisions specified in **Technical Correction # 8**.

Sec. 17b-262-338(44) (formerly 34): Made revisions specified in **Technical Correction # 9**.

Sec. 17b-262-338(46) (formerly 36): Made revisions specified in **Technical Correction # 10**.

Sec. 17b-262-338(54) (formerly 41): Made revisions specified in **Technical Correction # 11**.

Sec. 17b-262-338(56) (formerly 43): Made revisions specified in **Technical Correction # 12**.

Sec. 17b-262-340. The Department respectfully declines to make the revisions identified in **Technical Correction # 13**. Those revisions are not accurate because the regulation, which is entitled "Physicians' Services," is intended to provide payment to providers for the defined term "physicians' services," which is defined in section 17b-262-338(46) of the proposed regulation. Referring to "a physician's services," as listed in Technical Correction # 13, would inaccurately exclude the non-physician services included in the defined term "physicians' services," *i.e.*, the services of allied health professionals acting under a physician's personal supervision. The Department made the revisions specified in **Technical Correction # 14**.

Sec. 17b-262-341: Made revisions specified in **Technical Correction # 15**.

Sec. 17b-262-342: Made revisions specified in **Technical Correction # 16**.

Sec. 17b-262-344(a): The Department resolved **Substantive Concern # 2** by separating the language in section 17b-262-344(a) of the proposed regulation identified by LCO as ambiguous into a separate sentence to clarify that the language modifies the requirement for prior authorization.

Sec. 17b-262-344(a)(7): Made revisions specified in **Technical Correction # 17**.

Sec. 17b-262-344(g): Made revisions specified in **Technical Correction # 18**.

Sec. 17b-262-344(h): Made revisions specified in **Technical Correction # 19**.

Sec. 17b-262-345(f): Made revisions specified in **Technical Correction # 20**.

Sec. 17b-262-346(c): Made revisions specified in **Technical Correction # 21**.

Sec. 17b-262-346(d): Made revisions specified in **Technical Correction # 22**.

Sec. 17b-262-348(d): Made revisions specified in **Technical Correction # 23**.

Sec. 17b-262-348(i) through (r): Made revisions specified in **Technical Correction # 24**.

Sec. 17b-262-348(i)(1): Made revisions specified in **Technical Correction # 25**.

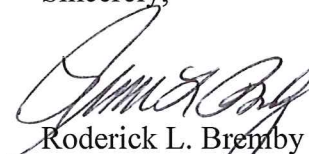
Sec. 17b-262-348(q): The Department resolved **Substantive Concern # 3** by adding language in section 17b-262-348(q) of the proposed regulation to clarify that all medical necessity determinations will be made using the definition of that term in section 17b-259b of the Connecticut General Statutes.

Sec. 17b-262-348(r)(2)(A): Made revisions specified in **Technical Correction # 26**.

Sec. 17b-262-348(r)(4): Made revisions specified in **Technical Correction # 27**.

Thank you for your consideration of this resubmitted regulation.

Sincerely,



Roderick L. Bremby  
Commissioner

Enclosures

Cc: Barbara Fletcher  
Carolyn Treiss  
Heather Rossi